

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

(1) Jahmir Ashley-Boyd #20210001325  
(Name of Plaintiff) (Inmate Number)  
Monroe County Correctional Facility  
4250 Manor Drive Stroudsburg PA, 18360  
(Address)

(2) \_\_\_\_\_  
(Name of Plaintiff) (Inmate Number)  
\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Case Number)

(Each named party must be numbered,  
and all names must be printed or typed)

vs.

CIVIL COMPLAINT

(1) Monroe County Correctional Facility  
(2) Warden Garry Haidle  
(3) Deputy Warden Joseph McCoy  
(Names of Defendants)

(Each named party must be numbered,  
and all names must be printed or typed)

TO BE FILED UNDER: ☒ 42 U.S.C. § 1983 - STATE OFFICIALS

☐ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

Jahmir Ashley-Boyd v. Thomas Mantic, Civil Action No. 1:22-cv-02124-  
KMW-EAP. Filed in District Court of New Jersey April, 2022. Case assigned  
to Elizabeth A. Pascal. Currently Pending. Granted leave to  
proceed In Forma Pauperis. Also a Writ of Habeas  
Corpus Filed March 2023. Jahmir Ashley-Boyd v. Garry Haidle No. 1:23-cv-45  
assigned to Judge Sylvia H. Rambo. Decision never made.

### III. Defendants continued

(4) Phil Diliberto

Employed as Deputy Warden at Monroe County Correctional Facility  
Mailing address 4250 Manor Drive Stroudsburg PA, 18360

(5) SGT Eyer

Employed as Sargeant at Monroe County Correctional Facility  
Mailing address 4250 Manor Drive Stroudsburg PA, 18360

(6) SGT Miller

Employed as Sargeant at Monroe County Correctional Facility  
mailing address 4250 Manor Drive Stroudsburg PA, 18360

(7) SGT Armond

Employed as Sargeant at Monroe County Correctional Facility  
mailing address 4250 Manor Drive Stroudsburg PA, 18360

(8) Correctional Officer Pence

Employed as Correctional Officer at Monroe County Correctional Facility  
mailing address 4250 Manor Drive Stroudsburg PA, 18360

Jahmir Ashley-Boyd

**II. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? ☒ Yes ☐ No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ☒ Yes ☐ No
- C. If your answer to "B" is Yes:
1. What steps did you take? Filed grievance and an appeal of Segregated Confinement.
  2. What was the result? Appeal was denied. Grievance was ignored. Facility retaliated by placing plaintiff back in Solitary Confinement.
- D. If your answer to "B" is No, explain why not: \_\_\_\_\_

N/A

**III. DEFENDANTS**

- (1) Name of first defendant: Monroe County Correctional Facility  
 Employed as Correctional Facility at Monroe County Correctional Facility.  
 Mailing address: 4250 Manor Drive Stroudsburg PA, 18360
- (2) Name of second defendant: Garry Hardle  
 Employed as Warden at Monroe County Correctional Facility  
 Mailing address: 4250 Manor Drive Stroudsburg PA, 18360
- (3) Name of third defendant: Joseph McCoy  
 Employed as Deputy Warden at Monroe County Correctional Facility  
 Mailing address: 4250 Manor Drive Stroudsburg PA, 18360

Additional  
Defendants  
Attached

(List any additional defendants, their employment, and addresses on extra sheets if necessary)

**IV. STATEMENT OF CLAIM**

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets if necessary.)

1. October 6<sup>th</sup> 2023 I was incarcerated at Monroe County Correctional Facility, housed on C-unit in cell 24. On this day sometime after 3PM toilets in cell 23 and 24 began to back up and overflow with feces

and urine. The unit officer Poinatzak shut the water off in

2. Cells 7, 8, 23, and 24 to stop toilets from flooding and then put in a work order to have toilets fixed. Meanwhile our toilets and running water remained off. Inmates in cells 7, 8, 23, 24 were still required to lock in the cells with the toilets inoperable and without running water.

3. October 8<sup>th</sup>, 2023 after serving dinner to the unit, as my duty as a unit worker, approximately 6pm C-unit was forced to lock in our cells at gunpoint by SGT Eyer along with several other officers wearing electrical shocking gloves. Afraid, Me and my cellmate complied with all orders and locked in

(Additional 3 pages attached)

#### V. RELIEF

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

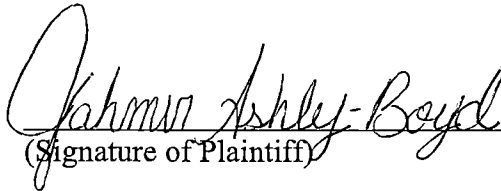
1. Plaintiff respectfully requests the court to grant the following relief:
  - A. Issue a TRO against all Defendants to protect Plaintiff from any/all forms of retaliation.
  - B. Order Facility to change policy regarding inoperable toilets requiring inmates to be moved to other cells when toilets do not work.
  2. C. Order Facility to change Grievance procedures allowing inmates prompt access to grievances and not allowing weeks to go by requesting them.
  - D. Award compensatory damages to Plaintiff in the following amounts:
    1. \$5,000 for wrongful confinement in Restricted Housing Unit (RHU)
    2. \$20,000 for physical pain & suffering suffered from inhumane conditions of confinement and inability to dispose of his wastes over the course of 4 days
    3. \$50,000 for exposure to human wastes of others over a period of 4 days putting Plaintiff at risk of contracting infectious diseases,
- 3.

waterborne diseases, and vermin infestation.

*Additional page attached*

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 6<sup>th</sup> day of November, 2023.

  
(Signature of Plaintiff)

#### IV. STATEMENT OF CLAIM continued

after informing officers our toilet has not been working for 3 days and it has been clogged to the top with human waste of others with a real bad smell and also there was no running water in our cell. Officers disregarded and continued to lock everyone in.

About an hour later, I informed Officer Pence whom was the unit officer that I needed to use the bathroom and that I have been holding my urine all day. Officer Pence said he would not allow me to use the bathroom and instead told me he would give me a trash bag to shit and piss in. He then allowed 7 cell out to use the bathroom in 6 cell. Officer Pence had prior knowledge of our toilet not working nor did we have running water because he is the 2<sup>nd</sup> shift officer assigned to the unit.

For several hours, I informed numerous officers of the inhumane living conditions that I was forced to live in and that I needed to be removed from the cell so I could use the bathroom. The Shift supervisor, SGT Eyer, was notified and informed by a number of different officers of these conditions but acted with deliberate indifference and failed to prevent my rights from being violated. SGT Eyer failed to supervise his officers in preventing the unconstitutional behavior.

I then again informed unit officer Pence that I needed to use the bathroom and could he please get me some help. He began to laugh at me because I was jumping around trying not to soil myself. He then told me to piss on myself but he was not letting me out to use the bathroom.

After holding my urine for so long it began to hurt. I started to urinate myself and ultimately had to urinate on the floor because there was nowhere for me to use the bathroom. As a result, C/O Pence then fired me as a unit worker and wrote me up. I was written up for Class I #20 Deliberate and continuous Failure to follow safety and sanitary regulations, Class II #4

#### IV. STATEMENT OF CLAIM continued

Indecent Exposure, Class II #20 Disorderly Conduct, and Class II #28 Creating a minor disturbance. I was punished for being in inhumane living conditions.

October 9<sup>th</sup>, 2023 I was able to inform my mother of the conditions I was in. My mother contacted the Warden, Deputy Wardens, and Shift supervisors of the unconstitutional conditions I was housed in to no avail.

Because I had not use the bathroom in 4 days, I began to experience bad stomach pains and became constipated. October 10<sup>th</sup>, 2023, I was seen by medical, where they prescribed me medication to help relieve pain and to help me use the bathroom.

October 12<sup>th</sup>, 2023, Approximately 9:30 A.M., I went to Disciplinary Board for my write up whom was SGT Miller and 2 other ladies. I pled not guilty then explained to SGT Miller I was housed in a cell without a working toilet or running water for 4 days. I told her that all officers and shift commanders were well aware that my toilet was inoperable and failed to provide me an alternative for me to use the bathroom which led me to urinating myself and in the floor. She laughed. I informed her I requested a grievance but was denied. I told her that I was now being punished for the inhumane conditions I was forced in. I told her I had C/O witnesses to help explain but was unable to call them. No evidence was presented but the officer misconduct report. I was then sent back to my cell. Hours later I was handcuffed, shackled, and taken to segregated confinement where I served 21 days.

I appealed to the Warden of the facility and explained I was housed in a cell 4 days without a working toilet or running water. Warden Garry Hardle has been aware of these conditions because of officer reports and complaints from my family as well as others. Warden Garry Hardle ignored the unconstitutional conditions and denied my appeal. I served 21 days in Solitary Confinement.



#### I V. STATEMENT OF CLAIM continued

After requesting a grievance over 2 weeks, October 19<sup>th</sup> 2023 I was given a grievance by the grievance coordinator SGT Armond. I immediately filled out grievance explaining all incidents and returned it requesting immediate investigation. This grievance has been ignored with no response.

After serving 21 days in solitary confinement I was retaliated against by the facility because of the complaints made by my family and the grievance that was filed. I was sent back to solitary confinement November 3<sup>rd</sup> 2023.

All Defendants acted with deliberate indifference to Plaintiff's basic human need for reasonably adequate sanitation and the need to promptly dispose of his wastes. All Defendants were informed of the unconstitutional behavior and failed to prevent it. Defendants failed to train and supervise officers to prevent depriving inmates of a basic human need and forcing inhumane living conditions among them. Defendants disregarded the excessive risk to Plaintiff's health and safety and instead punished Plaintiff for their actions.

Plaintiff is requesting a Jury Trial.

Jahmari Ashley-Boyd



V. Relief continued

4. \$100,000 for mental anguish suffered, loss of liberty due to excessive confinement in isolation, Emotional Stress, Humiliation, Embarrassment of urinating myself, Loss of wages as a unit worker, Inhumane Living conditions, Psychological damage, Fear

E. Award Punative Damages against all Defendants for violation of Plaintiff's rights in the amount of \$10,000 each.

F. Grant any and all other relief it appears Plaintiff is entitled.

Jahmari Ashley-Bayd

Jahmir Ashley-Boyd

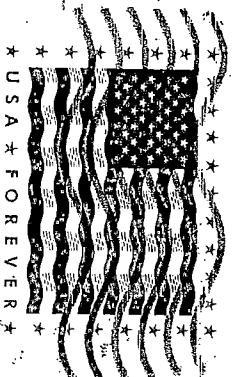
M.C.C.F. #20210001325

4250 Manor Drive

Shoudsburg PA, 18360

LEHIGH VALLEY PA 180

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PER DJ  
DEPUTY CLERK

Office of the Clerk

United States District Court  
Middle District of Pennsylvania

William J. Nealon Federal Bldg & U.S. Courthouse  
235 North Washington Av  
P.O. Box 1148

Scranton, PA

18501-1148

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